REMARKS

The Examiner is respectfully requested to acknowledge receipt of the certified copies of the priority documents that were filed on August 20, 2001.

Claim 1 was amended by including features of Claim 2.

Claim 6 was amended to insert the word "substance".

Claim 7 was amended by including features of Claim 8.

Enclosed is a MARKED-UP VERSION OF THE AMENDMENTS TO THE CLAIMS.

New claims 17 to 19 are supported by original Claim 2.

Claims 1 to 16 were rejected under 35 USC 102 as being anticipated by EP 652012 for the reasons set forth at the middle of page 2 of the Office Action.

Claims 1 to 4, 6 to 10 and 12 were rejected under 35 USC 102 as being anticipated by Carniglia et al. USP 5,391,550 for the reasons set forth at the bottom of page 2 of the Office Action.

Claims 1 to 17 were rejected under 35 USC 103 as being unpatentable over Simone USP 5,397,786 for the reasons set forth on page 3 of the Office Action.

The Office Action stated that Simone does not teach the specific use of ribose and histidine in examples.

None of the cited references (EP 652012, USP 5,391,550 and USP 5,397,786) disclose or suggest that "anserine, carnosine and valenine, and salts thereof" as recited in applicants' present claims have an antifatigue effect.

Further, the cited references do not teach or suggest that an antifatigue effect can be further improved by using in combination "at least one compound selected from the group consisting of anserine, carnosine and valenine, and salts thereof" and "D-ribose".

The cited references describe only that histidine or D-ribose can be used for beverages or the like. Anserine, carnosine and valenine, as recited in applicants' present claims, are dipeptides and are fundamentally different in their chemical structure from histidine, which is an amino acid.

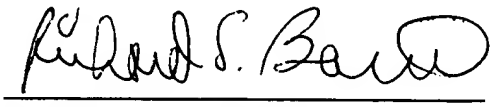
Accordingly, it is respectfully submitted that one of ordinary skill in the art viewing the cited references would not arrive at the presently claimed invention of (i) using "at least one compound selected from the group consisting of anserine, carnosine and valenine, and salts thereof" as an active ingredient for an antifatigue composition and (ii) using a combination of "at least one compound selected from the group consisting of anserine, carnosine and valenine, and salts thereof" and "D-ribose" as active ingredients for an antifatigue composition.

It is therefore respectfully submitted that applicants' claimed invention is not anticipated and is not rendered obvious by the references.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



RICHARD S. BARTH
Reg. No. 28,180

Frishauf, Holtz, Goodman, Langer & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
RSB/mbm
Enclosure: MARKED-UP VERSION OF THE AMENDMENTS TO THE CLAIMS

MARKED-UP VERSION OF THE AMENDMENTS TO THE CLAIMS

1. (Twice Amended) An antifatigue composition which comprises an antifatigue effective amount of [an] at least one imidazole compound selected from the group consisting of anserine, carnosine and valenine, and salts thereof, as an active ingredient in combination with an excipient.

6. (Amended) The antifatigue composition according to Claim 1, wherein the composition further comprises at least one substance selected from the group consisting of taurine, creatine, vitamin E, vitamin C, carotenoid, reduced glutathione and minerals.

7. (Amended) A method for providing an antifatigue effect comprising orally administering to a person in need thereof an [effective antifatigue amount of an] antifatigue composition which comprises an antifatigue effective amount of at least one imidazole compound selected from the group consisting of anserine, carnosine, valenine and salts thereof, as an active ingredient.